

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CYNDIA KENNEDY-McINNIS, on behalf
on behalf of themselves and all persons
similarly situated, et al.,

Plaintiffs,

ORDER

06-CV-6140L

v.

BIOMEDICAL TISSUE SERVICES, LTD., et al.,

Defendants.

On July 14, 2006, the Court issued a Scheduling Order (Dkt. #50) that pertained to defendant Lost Mountain Tissue Bank's motion to dismiss (Dkt. #39).

Shortly after entry of this Order, the Court received notice that the Judicial Panel on Multidistrict Litigation issued a Conditional Transfer Order transferring this action to the United States District Court for the District of New Jersey as part of MDL-1763 - *In re Human Tissue Products Liability Litigation*, pursuant to 28 U.S.C. § 1407. It appears that this case will be transferred to the MDL on or about July 26, 2006.

In light of the imminent transfer of this action, the Court rescinds its Scheduling Order (Dkt. #50). The interests of judicial economy would best be served by allowing the MDL court to decide

the issues raised in the motion to dismiss, as those issues are likely to be common to the actions already pending with (or about to be transferred to) the MDL.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 19, 2006.